

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

ROY LEE BRYANT	§	
VS.	§	CIVIL ACTION NO. 9:19-CV-82
BRYAN COLLIER, ET AL.	§	

MEMORANDUM ORDER OVERRULING PLAINTIFF’S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Plaintiff Roy Lee Bryant, a prisoner confined at the Eastham Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Bryan Collier, D. Muniz, G. Spurlock, Samuel Dominey, and Carrie L. Whatley.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the civil rights action pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted due to Plaintiff's failure to exhaust administrative remedies before he filed this action.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

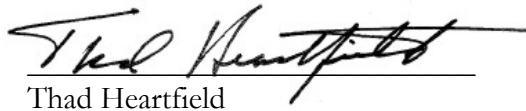
The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the

objections are without merit. Plaintiff claims that Defendant Whatley prevented him from exhausting administrative remedies. This claim lacks merit because the record reflects that Plaintiff did exhaust administrative remedies, but he did not complete the administrative remedy process until after he filed this action.

ORDER

Accordingly, Plaintiff's objections (document nos. 51 and 53) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (document no. 48) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this the **31** day of **August, 2022**.


Thad Heartfield
United States District Judge